

REMARKS

Claims 4-5 and 7-11 were finally rejected by the Examiner in the Office Action mailed February 10, 2004. Claims 4-5 and 7-11 were substantively rejected based upon the same art as was cited in the last office action, namely Sznoppek et al., Sundqvist et al. and Corbett, Jr. Additionally, the Examiner rejected the pending claims 4-5 and 7-11 under 35 U.S.C. §112 as "failing to particularly point out and distinctly claim the subject matter which the applicant regards as their invention." The Examiner argues that the step of providing an integral gasket within the socket end of a polyethylene pipe is never positively recited in the body of the claim and that the preamble reference leaves the claim indefinite in scope.

This Amendment After Final Rejection is being submitted specifically to address the Section 112 issues raised by the Examiner and to thereby position the case better for appeal. If the Examiner accepts the amendments made to the claims, then the remaining issues will be simplified for appeal in that they will only involve the arguments on the cited prior art of record, which arguments will not be repeated in this response.

The method being claimed should be fairly uncomplicated in its nature and implementation. In the prior art "Rieber" process for "pre-locating" an "integral" gasket within a pipe groove in a bell end of a thermoplastic pipe, the plain end of pipe is first heated. The heated pipe end is then forced over a forming mandrel on which is placed an elastomeric sealing gasket. Because the pipe end is heated, it can expand and flow over and around the elastomeric sealing gasket which is typically located in a slight depression or groove on the exterior surface of the cylindrical forming mandrel. The pipe end is then cooled and the mandrel is retracted, leaving the elastomeric gasket in place within a groove in the interior of the belled pipe end. The belled pipe end and gasket receiving groove are simultaneously formed about the elastomeric sealing gasket.

The above system works well for PVC pipe. However, polyethylene pipe has "memory characteristics" which give it different expansion and contraction characteristics than PVC. It is not as easy to force a heated polyethylene pipe end over a forming mandrel and sealing gasket.

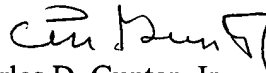
Applicant proposes one solution to this problem. In Applicant's method, the belled pipe end is formed by "winding" a melt profile of thermoplastic material about the forming mandrel and elastomeric sealing gasket. To Applicant's knowledge, no one has used or suggested such a method for forming the belled end of polyethylene pipe. No one, to Applicant's knowledge, has proposed

such a modification of the existing "Rieber" manufacturing processes.

Applicant has amended the independent method Claims 4 and 5 in view of the Examiner's remarks in order to explain the above method steps more explicitly. Entry of the Amendment After Final is earnestly requested, since Applicant is not raising any new issues or arguments regarding patentability which have not already been argued. Applicant merely wishes to remove the Section 112 argument from the case before having the Board consider the substantive issues on Appeal.

No additional fee is thought to be due at this time. If any additional fee is due for the continued prosecution of this application, please charge the same to Applicant's Deposit Account No. 50-2555 (Whitaker, Chalk, Swindle & Sawyer, LLP).

Respectfully submitted,



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